

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY HEAD,
Plaintiff,
v.

COSTCO WHOLESALE CORPORATION,
Defendant.

Case No. 24-cv-01203-EMC

COURT FINAL VERDICT FORM

Docket No. 90

The Court has reviewed the parties' comments on the verdict form. It rejects Costco's position that Mr. Head cannot prevail on his claims for failure to engage in interactive process, retaliation, and/or wrongful termination if the jury finds against him on the claim for failure to provide a reasonable accommodation. *See, e.g., Wysinger v. Automobile Club of S. Cal*, 157 Cal. App. 4th 413, 424-25 (2007) ("An employer may claim there was no available reasonable accommodation. But if it did not engage in a good faith interactive process, it cannot be known whether an alternate job would have been found. The interactive process determines which accommodation is required."); CACI 2505 ("[Name of plaintiff] does not have to prove [discrimination/harassment] in order to be protected from retaliation."). The Court has some sympathy for Costco's position that the claims for retaliation and wrongful termination are duplicative. However, the danger of inconsistent verdict on these claims is, at this time,

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1 speculative. Costco can argue in closing that these claims are largely the same. Finally, the Court
2 adopts Costco's proposed modification of Question 5 on damages as it is consistent with the jury
3 instructions.

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5 **IT IS SO ORDERED.**

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7 Dated: November 29, 2025

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11 EDWARD M. CHEN
12 United States District Judge
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1 1. Has Mr. Head proven, by a preponderance of the evidence, his claim for failure to
2 provide reasonable accommodation?

3 ___ YES

4 ___ NO

5 Please proceed to Question 2.

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7 2. Has Mr. Head proven, by a preponderance of the evidence, his claim for failure to
8 engage in interactive process?

9 ___ YES

10 ___ NO

11 Please proceed to Question 3.

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13 3. Has Mr. Head proven, by a preponderance of the evidence, his claim for
14 retaliation?

15 ___ YES

16 ___ NO

17 Please proceed to Question 4.

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19 4. Has Mr. Head proven, by a preponderance of the evidence, his claim for wrongful
20 termination in violation of public policy?

21 ___ YES

22 ___ NO

23 If you answered “Yes” to any of the questions above, please proceed to Question 5.

24 If you answered “No” to all of the questions above, please have the foreperson sign and
25 date below.

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27 5. What damages, if any, has Mr. Head proven by a preponderance of the evidence?

28 Please note that, if you decide that Mr. Head has prevailed on more than one claim and if

you decide that the damages he suffered on different claims are identical, you should count that damage only once. Do not award duplicative damages.

Economic Damages _____

Non-economic Damages _____

Please have the foreperson sign and date below.

Dated: _____
Foreperson _____